

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PERRY JEROME CHRISCO,)	
)	
Petitioner,)	
)	1:12CV239
v.)	1:06CR143-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

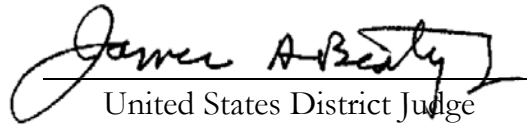
ORDER

On July 2, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections to the Recommendation were filed within the time limit set out in 28 U.S.C. § 636, and electronic notice was given that no objections would be filed (see July 22, 2013 docket entry). Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #45] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. #20] is GRANTED as to his claims under United States v. Simmons, 649 F.3d 237 (4th Cir. 2011), that the Judgment [Doc. #10] is VACATED, and that Count Three of the Indictment is DISMISSED. The Clerk is directed to set this matter for resentencing as to Count One of the Indictment. Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation

Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

This, the 24th day of July, 2013.


United States District Judge